

## **Newport Beach Harbor Commission**

### **Proposed Harbor Speed Limit Exception for Human Powered Racing Events**

#### **Reconsideration of 5 Knots/hour vs Miles/hour**

##### **Background**

- The Harbor Commission has recommended an amendment to the Harbor Code which would establish an exception to the long-established harbor speed limit (5 Knots/hour), which exception would apply only to sanctioned rowing and sail racing activities.
- The proposed amendment includes a recommendation that the Harbor Code speed limit be changed to 5 MPH, in conformance with the Orange County code. (Note: 1 knot = 1.15 miles)
- During and since the recent City Council study session on this proposed amendment there has been substantial public comment in general support of the amendment, but opposed to the change from Knots to MPH.
- The public comments in support of retaining the Knots designation are based on the view that sailors and boaters are long accustomed to working with charts and instruments calibrated in Knots and KPH, not Miles or MPH.

##### **Recommendation**

In view of the public comments received, the Harbor Commission should reconsider its earlier recommendation that the proposed amendment change the existing 5 Knot harbor speed limit which has been the standard of Newport Harbor for many years. The practical or "real world" difference is not significant in terms of public safety.

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**REMARKS AT PUBLIC PRESENTATION TO THE HARBOR COMMISSION**  
**October 12, 2011 - Harbor Commission Agenda Item No. 1**

*We support maintaining the current 5 knots speed limit throughout Newport Bay and Request that you reject Recommendation No. 1 and Accept Recommendation No. 2 keeping 5 KNOTS.*

- 15% is a **discernable** speed difference, especially when your speed is being dropped 15% from a lifetime of boating on the water. If your taxes were ~~doubled~~ by 15%, would you feel that?  
*INCREASE*
- 15% means the average trip from the breakwater will now be nearly 10 minutes longer.
- 5 MPH will mean that the average high powered cruising yacht may not have a low idle setting that is low enough to comply with the 5MPH standard.
- Low idle for many semi-displacement pleasure boats with waterlines of 50 feet or more have no discernable wake until they reach 7 knots or more.
- 5 knots is certainly an acceptable speed given historical precedence ... there is no evidence that a lowered speed limit is justified or needed. The incidence of speed related collisions is VERY low over recent history of, say, 70 years or more.
- Nuisance wakes will not be different as the theoretical hull speed (exhibit attached) of a 14 foot Laser sailboat is 5.0 knots or 5.8 knots ... after that it planes.
- A Lehman 12 hull speed is 5.4 MPH - which does not plane just digs a bigger hole in the water as it tries to climb over its bow wake.
- A Harbor 20 has a hull speed of 6.9 MPH or 6 knots.
- These sailboats are in constant use around the bay and have long history of not causing a problem, accident or other unwanted issue.
- The thought that you have to comply with state law is based upon the 5 MPH speed law, regulating the speed within 100 feet of swimmers (who can't be in some portions of the bay like the Federal Channel) and 200 feet of a beach, swimming float or active dock based loading zone. This regulation affects a small portion of the harbor along its shores only. There is no law mandating any speed limit outside of these zones. San Diego Bay, Lake Arrowhead or Big Bear Lake are examples where only the shore areas have a 5MPH speed limit ... Not the entire lake or in this case the Federal Channels or offshore areas allow swimming and the speeds in these other locations are significantly higher than that which is proposed here to maintain the current ordinance at 5 KTS.

## Hull Speed Chart

Displacement hull speed is an important indicator of how fast a displacement-type boat will go. It is the speed at which a boat begins to climb its own bow wave, essentially going uphill. It is calculated by the formula: velocity in knots =  $1.35 \times \sqrt{\text{waterline length}}$ . I got tired of looking around for my calculator, so I made up this handy chart. Since I usually think in terms of statute mph, I included that too. I also included kilometers per hour. (Note that this hull speed formula does not apply to needle-like hulls such as racing shells).

Waterline length in feet	Hull speed knots	Hull speed mph	Hull speed kmph	Waterline length in feet	Hull speed knots	Hull speed mph	Hull speed kmph
8	3.8	4.4	7.0	20	6.0	6.9	11.1
9	4.0	4.7	7.4	21	6.2	7.1	11.5
10	4.3	4.9	8.0	22	6.3	7.3	11.7
11	4.5	5.2	8.3	23	6.5	7.5	12.0
12	4.7	5.4	8.7	24	6.6	7.6	12.2
13	4.9	5.6	9.1	25	6.7	7.8	12.4
14	5.0	5.8	9.3	26	6.9	7.9	12.8
15	5.2	6.0	9.6	27	7.0	8.1	13.0
16	5.4	6.2	10.0	28	7.1	8.2	13.2
17	5.6	6.4	10.3	29	7.3	8.4	13.5
18	5.7	6.6	10.5	30	7.4	8.5	13.7
19	5.9	6.8	10.9	31	7.5	8.6	13.9

Huber 20  
15  
max 11.5  
2

Laurel 12 →

Laurel -

Example: The Odyssey 180 rowboat has an overall length of 18'-2" and a waterline length of 17'-7". On the chart 17'-7" is about half way between 17 and 18 feet, so hull speed is 6.5 mph.

$$\text{Max Hull Speed} = 1.34 \times \text{LWL}^{1/2}$$

(mph)

$$1.34 \times 48'^{1/2} = 1.34 \times 6.92$$

$$9.28 \text{ kts}$$

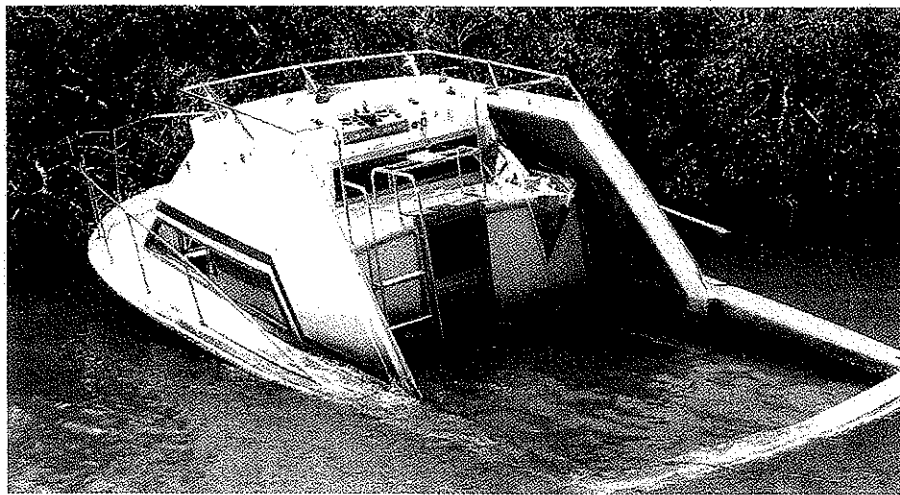
$$9.28 = 10.67 \text{ mph}$$



## WHAT ON EARTH SHOULD WE DO WITH DERELICT BOATS?

*"Life's too short to sail an ugly boat," says a popular bumper sticker.*

*But maybe it should read: "Boats live long lives, don't let them get ugly." Here's why*



A number of states have abandoned-vessel removal programs and funding sources ranges from a \$3 add-on to boat registrations in Washington state, to a portion of the 5-percent tax on boat sales in Maryland, to a share of state lease fees from gambling casinos in Mississippi. But the real solution is to convince owners to keep their boats from getting to the "derelict" stage of life, and since the workshop, the state of Florida appears to be the flagship on the prevention front.

### DEALING WITH THE DERELICTS

With one million registered boats, and thousands more visiting every year, the Sunshine State is "plagued" with abandoned vessels, according to the Florida Fish and Wildlife Conservation Commission (FWC). As of late June 2011, the agency estimated the number at 1,500, but by no means all of them recreational vessels.

"Barges, shrimp trawlers, head boats, sailboats, outboard skiffs, you name it and we've got it," says Capt. Richard Moore, who manages the agency's Waterway Management section. "The type of boat doesn't matter; it's against the law to leave any vessel 'in a wrecked, junked or substantially dismantled condition' in Florida waters." A derelict vessel could have a lawful owner, Moore notes, but it's just been sitting in the water for years, forgotten or ignored by that owner, and deteriorating to the point that it fits the legal definition. "If the owner can be found, we can say, 'Look, you can't leave that boat on the water. If it's a project, OK. Get it hauled out, take it to your backyard or someplace else to work on it.' At that point, if they haul it out, we're done."

In the past, Moore says, the state's focus had been on the removal and disposal of derelicts, at the owner's expense if possible, or using available state or federal funds,

**A**NY BOATER WORTH HIS OR HER SALT knows how important it is to keep their vessel, to use a time-honored nautical expression, "ship-shape and Bristol fashion." Unfortunately, on the waterways of this country, there are too many of the other kind: worn out and neglected, stripped and abandoned. Chalk them up as victims of the down economy, dreams gone sour, or the sad refuse of storms; such boats may pose a hazard to navigation or even a threat to the environment, and they certainly create a headache for waterway management authorities.

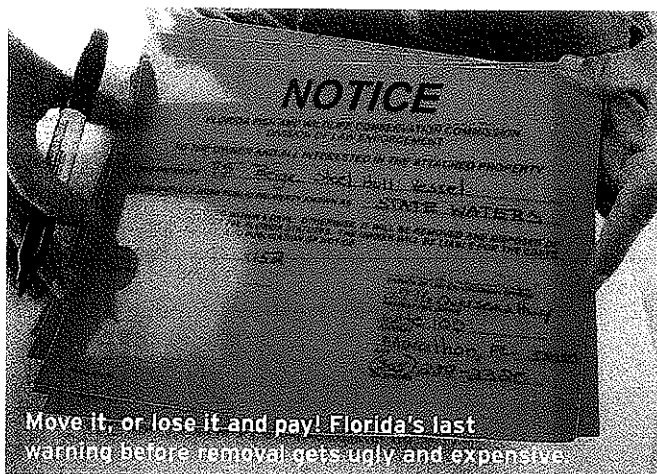
Although it's likely that abandoned vessels have been with us since early man ditched the first dugout canoe, orphan boats have been showing up in greater numbers along our coasts since the economic recession began in 2008. At best, authorities can trace some boats to legal owners who then can be required to pay for removal from the water and proper disposal. At worst, a boat could have had all identifying marks carefully removed, holes drilled into the bottom, and been left some quiet night to sink off the owner's problem list, only to surface eventually on the public's. That's why, in September 2009, the Marine Debris Program office of the National Oceanic and Atmospheric Administration (NOAA) coordinated the first national workshop to bring the topic of abandoned and derelict vessels, shall we say, to the surface. Sixteen states sent representatives of marine law enforcement, coastal management, and pollution control agencies to Miami to compare notes on how best to handle the problem they all shared in varying degrees. As might be expected, the top concern proved to be money; how could states underwrite the costs of dealing with what quickly became tagged the "ADV" — for abandoned and derelict vessel — problem? Dealing with abandoned private recreational boats usually is beyond the purview of federal agencies, so unless a derelict boat is obstructing navigation or leaking hazardous materials, state and local authorities generally have to foot the bill when an owner can't or won't take responsibility.

if no owner could be found. In 2008, the Florida Legislature appropriated \$1.55 million for derelict removal. In six months, FWC removed 83 vessels (at an average cost of \$450 per foot) including two 100-foot barges, a 90-foot steel casino boat, and a 65-foot shrimp trawler sunk in 20 feet of water.

The state budget is tight these days but Florida still must deal with its derelicts, grounded on shoals, lying under water, blown into the mangroves, and even sunk in their slips, nonetheless. "We've changed our attitude toward dealing with derelicts in the past five years," Moore says. "Our goal now is to prevent boats from getting in that condition in the first place and we've identified a way to do that, using education and local law enforcement."

### GOOD COP, BAD COP

In November 2010, FWC launched its At-Risk Vessel Program and now law enforcement officers at state, local, and county levels have access to an interactive database



Move it, or lose it and pay! Florida's last warning before removal gets ugly and expensive.

used to catalog boats that are showing tell-tale signs of neglect: barnacle-encrusted hull, listing or grounded condition, cabin open to the elements, missing gear, no anchor light at night, "anything that, in our experience, if left unattended could quickly put the boat in the derelict category," Moore explains. In that case, the investigating officer — 20 police departments and 17 sheriff's offices around the state now participate with FWC — posts a bright yellow tag on the boat, noting the specific problems that need attention and warning the owner that the boat is "at

risk of becoming a derelict vessel" under Florida law. The officer then enters the particulars of the vessel in the FWC database — type of boat, registration number, notes on condition, map coordinates, photos, and even witness statements, plus audio and video documentation. The information is then available online to other law enforcement agencies to avoid redundant investigations.

"This is an effort to communicate with the owners, to inform them of problems that,

if not corrected, will turn the boat into a derelict," says Phil Horning, who manages the system for FWC. "It's an official notice, not a violation. If possible, the officer will contact the owner and say, 'Hey, what's going on with your boat?' and that may be all that's needed." Earlier this year, Horning says FWC issued At-Risk tags to 50 vessels in Palm Beach County waters. "Only three failed to comply and take care of the maintenance problems cited," he notes. "We found that some boats had absentee owners who had been depending on someone locally to

### "AT-RISK" BOATS NOW ONLINE



**W**E'VE ALL SEEN THEM: BEACHED, half-sunken hulls, some tucked in backwaters, others perched on shoals or riding precariously at anchor; poorly maintained — even ignored — commercial or recreational boats that can pose problems for the vast majority of boaters who make maintaining their vessels a priority, if not a way of boating life. Now anyone can view the problem vicariously online by logging on to the public section of Florida's Statewide At-Risk and Derelict Vessel Map. The map has color-coded dots denoting three categories of at-risk boats and clicking on a dot brings up a panel with details about the boat, its condition, history, and even photos. As of July 1, the database had logged details of about one-third of Florida's derelict or at-risk boats. Although the numbers can change daily, at that time, of the 496 derelicts in the system, 170 posed hazards to navigation while 326 were deemed non-hazards. Another 58 boats in the system flew the not-so-coveted, yellow At-Risk tag.

Law enforcement officers from participating departments can update records on specific boats in real time, even from computer-equipped patrol craft, but the public cannot access certain details that are germane to continuing investigations or restricted for reasons of privacy. To view the website, or for more information about Florida's At-Risk Vessel Program, visit [www.MyFWC.com/Boating](http://www.MyFWC.com/Boating).

or at anchor, or maybe try to cruise on it, until it sinks; then they walk away and that's when we're stuck with it." Under Florida law the last owner of record may be responsible for the boat. If the owner doesn't remove it, he may be charged with a felony, lose motor vehicle and vessel registration privileges, incur other legal and court costs, or be forced to reimburse the jurisdiction — city, county, or state — that paid for the removal.

Horning says an expensive surprise can await people who have sold their boat but failed to transfer title. "In Florida, both the seller and the buyer must report the sale (to the Dept. of Highway Safety and Motor Vehicles) within 30 days," he notes. "If they don't, the former owner could be responsible if the boat becomes derelict." Every boat owner should realize that there will be an end of life for their boat. If they have an opportunity to legally sell the vessel near the end of its life, that's appropriate. But if not, the owner should have a plan to properly dispose of the vessel. A full proceedings of the 2009 NOAA workshop on abandoned and derelict vessels, plus more about marine debris issues, is available at: [www.marinedebris.noaa.gov/projects/dvessels.html](http://www.marinedebris.noaa.gov/projects/dvessels.html). 